

#11

**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: ZOAM 2007-0004 Farm Markets in Various Zoning Districts and Reduce Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS: Michelle Lohr, Zoning Administration, Building and Development
Terrance Wharton, Director, Building and Development

RECOMMENDATIONS:

Transportation and Land Use Committee (TLUC): At its February 22, 2010 meeting, the TLUC voted 5-0 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval, to amend the Revised 1993 Loudoun County Zoning Ordinance regarding Farm Markets and the minimum acreage requirements for Agriculture, Horticulture, and Animal Husbandry uses, including the revisions made by the TLUC, as contained in Attachment 4.

Planning Commission: The Planning Commission voted unanimously on December 1, 2009 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation for approval.

Staff: Staff concurs with the TLUC recommendation.

BACKGROUND

At the March 16, 2010 Board of Supervisors' meeting, the Board voted 7-2 (Burton and Delgaudio voting No) to postpone action on the amendments until the April 20, 2010 meeting in order to allow staff to develop new draft language on which the Board can act. This draft language, Section 5-626(A) on page A5, provides for no minimum acreage requirement for agriculture, horticulture or animal husbandry, with a Conservation Farm Plan required for animal husbandry. Additional background on this topic is in the March 16, 2010 staff report which is included as Attachment 1. Amended language based on the Board's direction of March 16, 2010 has been included as Attachment 2 (on green paper).

ISSUES:

1. *Zoning districts proposed for the use "Farm market (off-site production)".* The draft text, based on the Transportation and Land Use Committee recommendation, reduces the zoning districts with "Farm market (off-site production)" to JLMA-1, JLMA-2, and JLMA-3. These districts are proposed as they are in close proximity to the towns and villages.

2. *Zoning districts affected by reduction in minimum lot size for Agriculture, Horticulture and Animal Husbandry.* During discussion of this item at the Board meeting on March 16th, comments were made regarding the zoning districts to which the proposed amendments are applicable. Attachment 3 (page A11) lists the zoning districts that currently permit agriculture, horticulture and animal husbandry and that would be affected by the amendments.

The Board should note that with the adoption of the Revised 1993 Loudoun County Zoning Ordinance in January 2003, the definition of Agriculture was amended to remove references to the keeping of animals and a new definition of Animal Husbandry was adopted. Animal Husbandry is included as a general use category in the AR, JLMA and TR zoning districts, but is not listed in the other 20 zoning districts that list Agriculture as a permitted use, including A-10 and A-3. Thus Animal Husbandry is not permitted in those districts.

If the Board desires to include Animal Husbandry in additional districts, a separate Zoning Ordinance Amendment would be necessary to either amend the definition of Agriculture or to amend the individual districts to list Animal Husbandry as a permitted use.

3. *Process for obtaining Conservation Farm Plan approval.* The following steps are necessary to develop a Conservation Farm Plan:
- a. The property owner calls the Loudoun Soil and Water Conservation District (LSWCD) to schedule an appointment with the District representative. At the time the appointment is scheduled, the property owner will provide the address or other information to identify the property, the proposed use of the property, and the number and types of animals proposed.
 - b. The LSWCD representative will meet with the property owner and, using mapping information obtained from the County website, will develop a Conservation Farm Plan tailored to the specific property.
 - c. The representative of the LSWCD will then meet with a representative of the Virginia Cooperative Extension Service to determine the carrying capacity of the land and to develop Best Management Practices for the proposed uses. The Extension representative may ask the landowner to allow a site evaluation to ensure the mapping results and landowner description of intended use is feasible on the property under review.
 - d. The Conservation Farm Plan with Best Management Practices Section will be approved for the intensity of use that can be supported by the land.
 - e. Any change in intensity of use of the land will require a new Conservation Farm Plan.

FISCAL IMPACT:

There is no discernable anticipated fiscal impact associated with this Zoning Ordinance Amendment. For Farm Markets requiring special exception approval, application fees will be required to offset staff costs. For administration of animal husbandry zoning issues, staff activities are covered by existing resource levels.

ALTERNATIVES:

- 1) Approve ZOAM 2007-0004; or
- 2) Deny ZOAM 2007-0004; or
- 3) Forward ZOAM 2007-0004 back to the Transportation and Land Use Committee for further discussion.

SUGGESTED MOTIONS:

1. I move that the Board of Supervisors approve ZOAM 2007-0004 regarding permitting Farm Markets (off-site production) in various zoning districts and to reduce the minimum acreage required to establish Agriculture, Horticulture and Animal Husbandry uses, as contained in Attachment 2. I further move that the Board of Supervisors find that this Amendment is required by the public necessity, convenience, general welfare and good zoning practice.

OR

2. I move an alternate motion.

ATTACHMENTS:

- | | | |
|----|--|---------|
| 1. | March 16, 2010 Action Item Staff Report. | A1-A4 |
| 2. | Draft language based on suggestions of Board of Supervisors at March 16, 2010 meeting. | A5-A10 |
| 3. | List of districts permitting Agricultural uses. | A11 |
| 4. | Transportation and Land Use Committee Recommended Text regarding Farm Markets and Agriculture, Horticulture, and Animal Husbandry Uses, dated February 22, 2010. | A12-A17 |

#9

**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: Transportation and Land Use Committee Report:

ZOAM 2007-0004 Farm Markets in Various Zoning Districts and Reduce Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS : Michelle Lohr, Zoning Administration

RECOMMENDATIONS:

Transportation and Land Use Committee (TLUC): At its February 22, 2010 meeting, the TLUC voted 5-0 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval, to amend the Revised 1993 Loudoun County Zoning Ordinance regarding Farm Markets and the minimum acreage requirements for Agriculture, Horticulture, and Animal Husbandry uses, including the revisions made by the TLUC, as contained in Attachment 2.

Planning Commission: The Planning Commission voted unanimously on December 1, 2009 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation for approval of the draft text included in Attachment 1.

Staff: Staff concurs with the TLUC recommendation.

BACKGROUND

The Planning Commission and Board of Supervisors held previous public hearings (11/19/07 and 1/8/08, respectively) regarding proposed amendments to the regulations regarding Farm markets. Following discussions by the Planning Commission, the proposed amendments were revised to include other zoning districts and amendments, thus prompting the need for a new Resolution of Intent to Amend the Zoning Ordinance that was adopted February 17, 2009. The amendments as proposed would create a new use type, "Farm markets (off-site production)" permitted by special exception in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 districts, ensure consistency between the definition of Farm market and the Additional Regulations of Section 5-603, establish a maximum structure size for both types of Farm markets and establish parking and landscaping requirements for Farm markets (off-site production). Further, amendments are proposed to clarify the types of uses that may be established with a sketch plan.

During review of the proposed Farm market amendments in January 2009, the Transportation and Land Use Committee discussed a letter addressed to the Board of Supervisors from the Rural Economic Development Council (REDC) recommending that the minimum acreage requirement for Agriculture, Horticulture and Animal Husbandry be eliminated.

The Transportation and Land Use Committee recommended to the Board of Supervisors that the Resolution of Intent to Amend include an amendment regarding the minimum acreage for agriculture, horticulture and animal husbandry in addition to the Farm market amendments.

On February 17, 2009, the Board of Supervisors adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to add Farm markets without agricultural production on-site, as a special exception use within the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 zoning districts and to reduce the minimum acreage requirements for agriculture, horticulture, and animal husbandry uses. The amendments propose to: (1) amend Tables 2-102, 2-202, 2-1003, 2-1103, 2-1203, 2-1303, 2-1402, 2-1502, 2-1602 and 2-1702 to add a new use type, Farm markets (off-site production), as a special exception use within the Use Category of "Retail Sales and Service" for the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 districts, (2) amend Article 8, *Definitions*, including, without limitation, amending the existing definition of "Animal Husbandry" and establishing new definitions for "Farm Market (off-site production)" and "Livestock" and "Pet"; (3) amend Additional Regulations Section 5-603, *Farm markets*, to ensure consistency in regulations and terminology and establish new maximum building size, parking, landscaping and buffering standards; (4) amend Additional Regulations Section 5-626, *Agriculture, Horticulture and Animal Husbandry*, to reduce and/or eliminate minimum acreage requirements under certain circumstances; (5) amend Section 6-700, *Site Plan Review*, to clarify when site plans or rural sketch plans are required, and (6) amend such other sections of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments.

As a reminder for the Board of Supervisors and the public, with the adoption of amendments to the Zoning Ordinance on December 3, 2007, the minimum acreage requirement in Section 5-626 for Agriculture, Horticulture and Animal Husbandry uses had been increased from 3 to 5 acres. The Board of Supervisors has subsequently reviewed three requests for modifications through the minor special exception process (SPEX 2008-0029 Berkeszi, SPEX 2009-0043 Francis Property, SPMI 2009-0004 Oberlander) seeking reduction of the 5-acre minimum. All three applications were approved with conditions limiting the number of animals on the property based on the size and characteristics of the specific parcel.

The Planning Commission conducted a public hearing on October 15, 2009. Four people spoke in favor of the amendment and one spoke in opposition. The Commission held work sessions on November 12, 2009 and December 1, 2009 to discuss the proposed amendments.

At the December 1, 2009 work session, the Planning Commission voted 9-0 to send ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval, subject to the changes to the proposed text made at the December 1st meeting. The revised language is included in Attachment 1. (Staff has noted some grammatical, spelling and punctuation corrections which are indicated by double underline.)

On January 11, 2010, the Board of Supervisors held a public hearing at which one person spoke against the amendments associated with the reduction of the minimum acreage requirement for agriculture, horticulture and animal husbandry. During discussion at the conclusion of the public hearing, Board members expressed concern regarding (1) the landscaping requirements proposed for the proposed Farm market (off-site production) use, (2) the lack of guidance in the amendments to address the maximum number of animals that would be permitted based on acreage, (3) the specific districts that are proposed to include the Farm Market (off-site production) use, (4) the use of

percentage of products offered for sale as a means of measurement rather than the current measurement of gross sales receipts and (5) whether the Board could consider reducing the required percentage of products required to be from Loudoun County from 25% to a lesser percentage such as 15%. A question was also raised regarding the history of the proposed amendments to the Farm Market use.

At the conclusion of the Board's public hearing, the Board voted 9-0 to forward ZOAM 2007-0004 to the Transportation and Land Use Committee for further discussion on the proposed amendments and specifically the issues addressed below.

At the February 22, 2010 TLUC Meeting, the TLUC voted 5-0 to send ZOAM 2007-0004 to the Board with a recommendation of approval, including the revisions recommended by the TLUC (Attachment 2). The revisions include: (1) amend the draft text so that the Farm Market (off-site production) use is only permitted in the JLMA 1, 2, and 3 districts and (2) permit animal husbandry on properties of two (2) to five (5) acres with an approved Conservation Farm Plan with Best Management Practices.

While deliberating the matter at the February 22, 2010 meeting, the Committee initially discussed revising the ordinance to permit animal husbandry uses with no minimum lot size, with a Conservation Farm Plan including Best Management Practices on a parcel less than 3 acres. The Committee ultimately agreed, however, there should be a minimum lot size to accommodate a house, well, and drainfield and discussed whether the appropriate minimum lot size should be 5 acres or 3 acres with 2 usable acres.

After consideration of language proposed during the Planning Commission's review of Section 5-626(A)(ii) (See page A28 from the February 22, 2010 Committee item) defining usable acreage as "land that is not located within 100 feet of a well, does not contain steep slopes, floodplain, a drainfield or reserve drainfield area and is at least 30 feet from a stream...", the Committee agreed to recommend animal husbandry uses be permitted on less than 5 acres with a minimum lot size of 2 acres, and to require a Conservation Farm Plan with Best Management Practices that takes into consideration the type and construction of any wells, septic fields, environmental features, etc. as proposed in Section 5-626(B).

Supervisor York moved approval of ZOAM 2007-0004, Farm Markets in Various Zoning Districts and Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses as amended February 22, 2010 at the Transportation and Land Use Committee. Supervisor Kurtz seconded. The motion passed 5-0.

ISSUE:

What is the effect of the reduction of the minimum acreage requirement on existing approved special exceptions that were granted to modify the current 5 acre minimum requirement of Section 5-626.

If the new regulations are less restrictive than an approved special exception, the property owner can certainly pursue the new regulations. If an approved special exception is less restrictive, the property owner can pursue the special exception under vested rights statutes.

FISCAL IMPACT:

The cost of proceeding with this item is included in current staff workloads to aid property owners in the development of the Conservation Farm Plans. These plans are proposed to be developed through and with the Loudoun Soil and Water Conservation District and the Virginia Cooperative Extension Services.

ALTERNATIVES:

- 1) Approve ZOAM 2007-0004; or
- 2) Deny ZOAM 2007-0004; or
- 3) Forward ZOAM 2007-0004 back to the Transportation and Land Use Committee for further discussion.

SUGGESTED MOTIONS:

1. I move that the Board of Supervisors approve ZOAM 2007-0004 regarding permitting Farm Markets (off-site production) in various zoning districts and to reduce the minimum acreage required to establish Agriculture, Horticulture and Animal Husbandry uses, as contained in Attachment 2, Pages A7–A12. I further move that the Board of Supervisors find that this Amendment is required by the public necessity, convenience, general welfare and good zoning practice.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. Planning Commission Recommended Text, Revised through December 1, 2010 A1-A6
With grammatical, spelling & punctuation revisions by Staff.
2. Transportation and Land Use Committee Recommended Text regarding Farm A7-A12
Markets and Agriculture, Horticulture, and Animal Husbandry Uses, dated
February 22, 2010.
3. February 22, 2010 Transportation and Land Use Committee Item #3.. A13-A31

[*** Attachments not included in 4/20/10 action item #11 ***]

A4

**PROPOSED AMENDMENTS
ZOAM 2007-0004**

*Revised through April 13, 2010
per March 16, 2010 Board direction regarding no minimum lot size*

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

~~2-101 AR-1 (Agricultural Rural-1);~~
~~2-202 AR-2 (Agricultural Rural-2);~~
2-1003 JLMA-1 (Joint Land Management Area - 1),
2-1103 JLMA-2 (Joint Land Management Area - 2),
2-1203 JLMA-3 (Joint Land Management Area -3),
~~2-1303 JLMA-20 (Joint Land Management Area-20);~~
~~2-1402 TR-10 (Transitional Residential-10);~~
~~2-1502 TR-3 (Transitional Residential-3);~~
~~2-1602 TR-2 (Transitional Residential-2);~~
~~2-1702 TR-1 (Transitional Residential-2)~~

5-603 Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a ~~A~~ minimum of 25% of the ~~gross sales receipts~~ products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market in Loudoun County. An annual report verifying this percentage ~~the portion of sales derived from products produced on-site~~ shall be submitted ~~on request~~ to the Zoning Administrator upon request.
- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance ~~to the farm market~~ shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.
- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

(F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:

- (1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
- (2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.
- (3) Landscaping/Buffering/Screening.
 - (a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)
 - (b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~ *(editor's note: this sentence moved to subsection (M).)*
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

ALP

- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.

(M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a ~~Rural~~ Sketch Plan as identified in Section 6-703 do not require a site plan.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Test of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 ~~Rural~~ Sketch Plan

- (A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care

Business, Child Care Home, Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan), Stable (Private or Neighborhood), and Wayside Stand.

- (B) ~~Rural~~ A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The ~~Rural~~ Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or on other property within Loudoun County owned or leased by the operator of the Farm Market within Loudoun County. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise ~~otherwise~~ provided elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) Parcel Size.

- (i) Agriculture, Horticulture, and Animal Husbandry uses shall ~~be located on parcels 5 acres in size or larger~~ have no minimum lot size.
- (ii) Animal Husbandry shall not be permitted on a parcel of less than five (5) acres in size unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.

(B) Conservation Farm Plan. Prior to the establishment of an Animal Husbandry use on a property of less than five (5) acres the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a waste management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

- (B)(C) Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting the definition of "Pet" or non-domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

No Changes

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

No Changes

A10

REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE DISTRICTS THAT PERMIT AGRICULTURAL USES

Agriculture, Horticulture, Animal Husbandry

AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1

Agriculture, Horticulture (specifically no livestock)

R-1, R-2, R-3, R-4

Agriculture, Horticulture, Forestry & Fishery

A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, GB, MR-HI, PD-CC(NC), PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA, PD-TC, PD-RV

MINIMUM LOT SIZES OF DISTRICTS THAT PERMIT ANIMAL HUSBANDRY

District	Title	Minimum Lot Size
AR-1	Agricultural Rural – 1	Base Density - Lot yield: 1 per 20 acres, 20 acre min.; Principal/Subordinate – Lot Yield: 1 per 10 acres, min. lot size 2 acres; Cluster – Lot Yield: 1 per 5 acres, no min. lot size with public water and sewer
AR-2	Agricultural Rural – 2	Base Density – Lot Yield: 1 per 40 acres; 40 acre min; Principal/Subordinate – Lot Yield: 1 per 20 acres: 2 acre min.; Cluster – Lot Yield: 1 per 15 acres: no min. lot size with public water and sewer
JLMA-1	Joint Land Management Area - 1	20,000 sq. ft.
JLMA-2	Joint Land Management Area -2	10,000 sq. ft.
JLMA-3	Joint Land Management Area -3	20,000 sq. ft.
JLMA-20	Joint Land Management Area -20	20 acres
TR-10	Transitional Residential - 10	Base Density – 1 dwelling per 10 acres; no min. lot size
TR-3	Transitional Residential - 3	Base Density – 1 dwelling per 3 acres; no min. lot size
TR-2	Transitional Residential - 2	Base Density – 1 dwelling per 20,000 sq. ft.; no min. lot size
TR-1	Transitional Residential - 1	Base Density – 1 dwelling per 40,000 sq. ft.; no min. lot size

**PROPOSED AMENDMENTS
ZOAM 2007-0004**

*Revised through February 22, 2010
By Transportation and Land Use Committee*

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

~~2-101 AR-1 (Agricultural Rural-1),~~
~~2-202 AR-2 (Agricultural Rural-2),~~
2-1003 JLMA-1 (Joint Land Management Area - 1),
2-1103 JLMA-2 (Joint Land Management Area - 2),
2-1203 JLMA-3 (Joint Land Management Area -3),
~~2-1303 JLMA-20 (Joint Land Management Area-20),~~
~~2-1402 TR-10 (Transitional Residential-10),~~
~~2-1502 TR-3 (Transitional Residential-3),~~
~~2-1602 TR-2 (Transitional Residential-2),~~
~~2-1702 TR-1 (Transitional Residential-2)~~

5-603 Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a A minimum of 25% of the ~~gross sales receipts~~ products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market in Loudoun County. An annual report verifying this percentage the portion of sales derived from products produced on site shall be submitted on request to the Zoning Administrator upon request.
- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance ~~to the farm market~~ shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.
- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

(F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:

- (1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
- (2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.
- (3) Landscaping/Buffering/Screening.
 - (a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)
 - (b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~ *(editor’s note: this sentence moved to subsection (M).)*
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

A13

- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.
- (M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703 do not require a site plan.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 ~~Rural~~ Sketch Plan

- (A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care

A14

Business, Child Care Home, Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan), Stable (Private or Neighborhood), and Wayside Stand.

- (B) ~~Rural~~ A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The ~~Rural~~ Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or on other property within Loudoun County owned or leased by the operator of the Farm Market within Loudoun County. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise ~~otherwise~~ provided elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

A15

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) Parcel Size.

- (i) Agriculture, and Horticulture, ~~and Animal Husbandry~~ uses shall ~~be located on parcels 5 acres in size or larger~~ have no minimum lot size.
- (ii) Animal husbandry uses are permitted on parcels 5 acres in size or larger.
- (iii) Animal husbandry uses shall not be permitted on parcels of less than five (5) acres in size unless: (1) such parcel is at least two acres in size and (2) On parcels of less than 3 acres, animal husbandry uses shall not be permitted unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.

(B) Conservation Farm Plan. Prior to the establishment of an animal husbandry use on a property of less than ~~three~~ five (5) acres (and more than two (2) acres), the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a ~~manure~~ waste management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

(B)(C) Setbacks for Certain Structures. No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting the definition of "Pet" or non-domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

No Changes

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

No Changes